

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONATO VALLE VEGA,

Defendant.

CR10-5629RBL

GOVERNMENT'S SUPPLEMENTAL
SENTENCING MEMORANDUM

The United States of America, by Jenny A. Durkan, United States Attorney for the Western District of Washington, and Assistant United States Attorneys Darwin Roberts and Matthew H. Thomas, submits the Government's Supplemental Sentencing Memorandum.

I. DISCUSSION

The government recommends a sentence at the low end to be followed by five years of supervised release. United States Probation is recommending that the Court grant a downward variance to 168 months based on disparity under 18 U.S.C. §3553. Probation properly asks the Court to consider disparity and cites concrete examples in support of its disparity recommendation. On the other hand, there are several factors which make this case unique and which weigh against a mechanical departure. These factors include: the quantity of narcotics involved, the defendant's involvement with weapons, and the central role that the defendant played in the drug operation, while feigning cooperation.

1 With respect to the quantity of narcotics involved, Special Agent Errin Jewell
2 testified that he had never seen 40 pounds (amount of the original load) sent as a “test”
3 and that “40 pounds is a huge amount of methamphetamine.” Trial Transcript, Rough
4 Draft, October 23, 2012, p. 8-9.

5 As to the defendant’s involvement with weapons, it included more than just the
6 three firearms he possessed. SA Jewell noted that the defendant had “approached an
7 individual . . . at a gun show and was looking to purchase armament, weapons, 50-caliber
8 machine guns, belted grenades . . . in the Summer of 2010. . . . One of the persons he
9 contacted . . . got in touch with the FBI.” Trial Transcript, Rough Draft, October 23,
10 2012, p. 29. SA Jewell explained that the defendant “was going to send them [the
11 grenades] to Mexico.” Trial Transcript, Rough Draft, October 23, 2012, p. 30.

12 SA Britton Boyd’s testimony shed light on the defendant’s lack of candor. “I told
13 him [defendant], I said, ‘hey, do you know why we are here?’ ‘No, I have no idea.’
14 ‘Well, we know that you have drugs at your business. We know you have cocaine and
15 meth at your business.’ At which point he denied it, flat out denied it.” Trial Transcript,
16 Rough Draft, October 23, 2012, p. 51.

17 In addition, the defendant did more than maintain the stash house, which he
18 testified that he rented for “musicians.” The defendant also ran a car lot that was crucial
19 to the success of the drug operation. For example, in the defendant’s presence, the BMW
20 was loaded with methamphetamine at the defendant’s car lot and two couriers departed
21 for Utah to deliver the drugs. Further, the methamphetamine and cocaine was unloaded
22 from the Impala at the car lot. The defendant and his associates sent the same Impala on a
23 car hauler back to Arizona with drug proceeds.

1 In summary, these facts and others make this case and the defendant's role unique.
2 We urge the Court to render a fair sentence that takes into account the guidelines and all
3 the applicable 18 U.S.C. §3553 factors.

4 DATED this 26th day of February 2013.

5 Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2013, I electronically filed the foregoing Government's Supplemental Sentencing Memorandum with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

s/ Matthew H. Thomas
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